

AMENDED IN ASSEMBLY MAY 30, 2006

AMENDED IN SENATE APRIL 24, 2006

AMENDED IN SENATE APRIL 19, 2006

SENATE BILL

No. 1541

Introduced by Senator Ducheny

February 23, 2006

An act to amend Sections 1725, 1750.2, and 1752.5 of, and to add Section 1750.4 to, the Business and Professions Code, relating to dentistry, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1541, as amended, Ducheny. Registered dental assistants: licensure.

Under existing law, the Dental Practice Act, the Dental Board of California is required to license a person as a registered orthodontic assistant, registered surgery assistant, or registered restorative assistant if the person satisfactorily completes specified courses approved by the board. *Existing law provides for a fee for the practical examination for licensure as a registered dental assistant not to exceed \$60.* Existing law establishes the State ~~Dentistry~~ Dental Auxiliary Fund and continuously appropriates moneys in that fund to the board for purposes of the Dental Practice Act *as it relates to dental auxiliaries.*

This bill would instead require the board to grant ~~such~~ licensure *as a registered orthodontic assistant, registered surgery assistant, or registered restorative assistant* if an applicant has either (1) completed specified courses and passed a written and a practical examination or (2) completed a work experience pathway to licensure, met certain

educational requirements, and passed a written and a practical examination. *The bill would provide a fee for the practical examination for licensure as a registered orthodontic assistant, registered surgery assistant, and registered restorative assistant not to exceed \$60.* The bill would authorize a dentist to train ~~an employee his or her employees~~, without charge or cost to the employees, for purposes of the work experience pathway to specialty licensure, subject to specified terms and conditions, including the submission of specified materials to the board and payment of an administrative fee. By increasing the funds deposited into the State ~~Dentistry~~ Dental Auxiliary Fund, the bill would make an appropriation.

Existing law authorizes a person, on and after September 1, 2007, to apply for and be issued a license as a dental assistant upon providing evidence to the board of successful completion of one of specified programs, including a program requiring completion of, among other things, 3 board-approved specialty registration courses.

This bill would provide that a person who has been issued a specialty license following completion of a work experience pathway to licensure shall be deemed to have met those specialty course requirements.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1725 of the Business and Professions
- 2 Code is amended to read:
- 3 1725. The amount of the fees prescribed by this chapter that
- 4 relate to the licensing of dental auxiliaries shall be established by
- 5 board resolution and subject to the following limitations:
- 6 (a) The application fee for an original license shall not exceed
- 7 twenty dollars (\$20).
- 8 (b) (1) The fee for examination for licensure as a registered
- 9 dental assistant shall not exceed fifty dollars (\$50) for the written
- 10 examination and shall not exceed sixty dollars (\$60) for the
- 11 practical examination.
- 12 (2) On and after January 1, 2008, the *fee for* application and
- 13 *for the* issuance of a license as a registered orthodontic assistant,
- 14 registered surgery assistant, registered restorative assistant, or
- 15 registered dental assistant shall not exceed fifty dollars (\$50),

1 *and the fee for the practical examination for licensure as a*
2 *registered orthodontic assistant, registered surgery assistant, or*
3 *registered restorative assistant shall not exceed sixty dollars*
4 *(\$60).*

5 (c) The fee for examination for licensure as a registered dental
6 assistant in extended functions or a registered restorative
7 assistant in extended functions shall not exceed two hundred fifty
8 dollars (\$250).

9 (d) The fee for examination for licensure as a registered dental
10 hygienist shall not exceed two hundred twenty dollars (\$220).

11 (e) For third- and fourth-year dental students, the fee for
12 examination for licensure as a registered dental hygienist shall
13 not exceed the actual cost of the examination.

14 (f) The fee for examination for licensure as a registered dental
15 hygienist in extended functions shall not exceed two hundred
16 fifty dollars (\$250).

17 (g) The board shall establish the fee at an amount not to
18 exceed the actual cost for licensure as a registered dental
19 hygienist in alternative practice.

20 (h) The biennial renewal fee for a dental auxiliary whose
21 license expires on or after January 1, 1991, shall not exceed sixty
22 dollars (\$60). On or after January 1, 1992, the board may set the
23 renewal fee in an amount not to exceed eighty dollars (\$80).

24 (i) The delinquency fee shall not exceed twenty-five dollars
25 (\$25) or one-half of the renewal fee, whichever is greater. Any
26 delinquent license may be restored only upon payment of all fees,
27 including the delinquency fee.

28 (j) The fee for issuance of a duplicate registration, license, or
29 certificate to replace one that is lost or destroyed, or in the event
30 of a name change, shall not exceed twenty-five dollars (\$25).

31 (k) The fee for each curriculum review and site evaluation for
32 educational programs for registered dental assistants which are
33 not accredited by a board-approved agency, the Council for
34 Private Postsecondary and Vocational Education, or the
35 Chancellor's office of the California Community Colleges shall
36 not exceed one thousand four hundred dollars (\$1,400).

37 (l) The fee for each review of radiation safety courses or
38 specialty registration courses that are not accredited by a
39 board-approved agency, the Council for Private Postsecondary
40 and Vocational Education, or the Chancellor's office of the

1 California Community Colleges shall not exceed three hundred
2 dollars (\$300).

3 (m) No fees or charges other than those listed in subdivisions
4 (a) through (k) above shall be levied by the board in connection
5 with the licensure of dental auxiliaries, registered dental
6 assistants educational program site evaluations and radiation
7 safety course evaluations pursuant to this chapter.

8 (n) Fees fixed by the board pursuant to this section shall not be
9 subject to the approval of the Office of Administrative Law.

10 (o) Fees collected pursuant to this section shall be deposited in
11 the State Dental Auxiliary Fund.

12 ~~SECTION 1.~~

13 *SEC. 2.* Section 1750.2 of the Business and Professions Code
14 is amended to read:

15 1750.2. (a) On and after January 1, 2008, the board shall
16 license as a “registered orthodontic assistant,” “registered surgery
17 assistant,” or “registered restorative assistant” any person who
18 does either of the following:

19 (1) Submits written evidence of satisfactory completion of a
20 course or courses approved by the board pursuant to subdivision
21 (b) that qualifies him or her in one of these specialty areas of
22 practice and obtains a passing score on both of the following:

23 (A) A written examination developed, for the specialty
24 category for which the person is seeking licensure, by the Dental
25 Assisting National Board (DANB) and approved by the board.

26 (B) A practical examination for the specialty category for
27 which the person is seeking licensure that is approved by the
28 board.

29 (2) Completes a work experience pathway to licensure that
30 meets the requirements set forth in Section 1750.4. This section
31 permits the work experience pathway to licensure only for those
32 assistants described in this subdivision and does not apply to
33 dentists or dental hygienists.

34 (b) The board shall adopt regulations for the approval of
35 specialty registration courses in the specialty areas specified in
36 this section. The board shall also adopt regulations for the
37 approval and recognition of required prerequisite courses and
38 core courses that teach basic dental science, when these courses
39 are taught at secondary institutions, regional occupational
40 centers, or through regional occupational programs.

1 The regulations shall define the minimum education and
2 training requirements necessary to achieve proficiency in the
3 procedures authorized for each specialty registration, taking into
4 account the combinations of classroom and practical instruction,
5 clinical training, and supervised work experience that are most
6 likely to provide the greatest number of opportunities for
7 improving dental assisting skills efficiently.

8 (c) The board may approve specialty registration courses
9 referred to in this section prior to January 1, 2008, and the board
10 shall recognize the completion of these approved courses prior to
11 January 1, 2008, but no specialty registrations shall be issued
12 prior to January 1, 2008.

13 (d) The board may approve a course for the specialty
14 registration listed in subdivision (b) that does not include
15 instruction in coronal polishing.

16 (e) The board may approve a course that only includes
17 instruction in coronal polishing as specified in paragraph (8) of
18 subdivision (b) of Section 1750.3.

19 (f) A person who holds a specialty registration pursuant to this
20 section shall be subject to the continuing education requirements
21 established by the board pursuant to Section 1645 and the
22 renewal requirements of Article 6 (commencing with Section
23 1715).

24 ~~SEC. 2.~~

25 *SEC. 3.* Section 1750.4 is added to the Business and
26 Professions Code, to read:

27 1750.4. (a) A dentist who holds a valid, active, and current
28 license to practice dentistry under this chapter may train and
29 educate his or her ~~employee~~ *employees, without charge or cost to*
30 *the employees*, in all of the allowable duties for the purpose of
31 licensure in one of the specialty licensure categories set forth in
32 Section 1750.2, if approved by the board.

33 (1) In order to train or educate pursuant to this subdivision, the
34 dentist shall be subject to the following terms and conditions,
35 which are applicable prior to commencing training for each
36 employee:

37 (A) On a completed and signed application form approved by
38 the board, the dentist shall provide the specialty dental assistant
39 category in which the dentist will be training his or her employee
40 and the name of the employee.

(B) The education and training the dentist provides shall be in compliance with the regulations adopted by the board pursuant to subdivision (b) of Section 1750.2, and a copy of the regulations shall be submitted to the board by the dentist as the curriculum plan. Employees trained pursuant to this section shall be considered bona fide students, as described in Section 1626.5, as added by Section 6 of Chapter 655 of the Statutes of 1999.

(C) The dentist shall pay a fee to the board to cover administrative costs not to exceed two hundred fifty dollars (\$250).

(D) Prior to beginning the employee's training, the dentist shall complete a teaching methodology course approved by the board that is at least six hours in length and covers educational objectives, content, instructional methods, and evaluation procedures. The dentist shall be exempt from this requirement if he or she holds any one of the following degrees, credentials, or positions:

~~(A)~~

(i) A postgraduate degree in education.

~~(B)~~

(ii) A Ryan Designated Subjects Vocational Education Teaching Credential.

~~(C)~~

(iii) A Standard Designated Subjects Teaching Credential.

~~(D)~~

(iv) A Community College Teaching Credential.

~~(E)~~

(v) Is a faculty member of a dental school approved by the Commission on Dental Accreditation.

The dentist shall provide to the board proof of one of these designations or shall submit a certificate of course completion in teaching methodology.

(2) All duties performed by an employee pursuant to this section shall be done in the dentist's presence. The dentist shall ensure that any patient treated by a bona fide student is verbally informed of the student's status.

(3) The work experience pathway for the employee shall not exceed a term of 18 months, starting on the date that the board receives the form, curriculum plan, and fee required pursuant to subparagraphs (A), (B), and (C) of paragraph (1).

(4) Upon successful completion of the work experience pathway period, the dentist shall certify in writing that the employee has successfully completed the educational program covering all procedures authorized for the specialty category for which the employee is seeking licensure.

(5) With respect to this subdivision, the board:

(A) Shall approve the application form described in subparagraph (A) of paragraph (1). The application form shall not be required to comply with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(B) Shall have a maximum of 45 days in which to approve or deny an application under this subdivision.

(C) May inspect the dentist's facilities and practice at any time to ensure compliance with regulations adopted by the board pursuant to Section 1750.2.

(b) As a condition for licensure for specialty registration under Section 1750.2, an employee who completes a work experience pathway pursuant to this section shall do the following:

(1) Certify to the board that he or she has a minimum of 1600 hours of prior work experience as a dental assistant. The 1600 hours of required work experience may be obtained by working for multiple employers, if the employee provides written evidence of work experience from each dentist employer. The employee may begin a training program before he or she completes 1600 hours of work experience, but may not apply for licensure until that work experience is completed. The board shall give credit toward the 1600 hours of work experience to persons who have graduated from a dental assisting program in a postsecondary institution, secondary institution, regional occupational center, or regional occupation program that is not approved by the board. The credit shall equal the hours spent in classroom training and internship on an hour-for-hour basis not to exceed 400 hours.

(2) Certify to the board that he or she has completed the educational program covering all procedures authorized for the specialty category for which the employee is seeking licensure.

(3) Obtain a passing score on a written examination developed, for the specialty category for which the employee is

1 seeking licensure, by the Dental Assisting National Board
2 (DANB) and approved by the board.

3 (4) Obtain a passing score on a practical examination for the
4 specialty category for which the employee is seeking licensure
5 that is approved by the board.

6 ~~SEC. 3.~~

7 *SEC. 4.* Section 1752.5 of the Business and Professions Code
8 is amended to read:

9 1752.5. On and after September 1, 2007, a person may apply
10 for and be issued a license as a registered dental assistant upon
11 providing evidence to the board of one of the following:

12 (a) Successful completion of an educational program in
13 registered dental assisting approved by the board on or after
14 January 1, 2006, to teach all of the functions specified in Section
15 1750.3.

16 (b) Successful completion of:

17 (1) An educational program in registered dental assisting
18 approved by the board to teach the duties that registered dental
19 assistants were allowed to perform pursuant to board regulations
20 prior to January 1, 2008.

21 (2) A board-approved course or courses in the following
22 duties:

23 (A) Selecting, prepositioning, curing in a position approved by
24 the supervising dentist, and removal of orthodontic brackets.

25 (B) Monitoring of patients during the preoperative,
26 intraoperative, and postoperative phases.

27 (i) For purposes of this subparagraph, patient monitoring
28 includes the following:

29 (I) Selection and validation of monitoring sensors, selecting
30 menus and default settings and analysis for electrocardiogram,
31 pulse oximeter and capnograph, continuous blood pressure,
32 pulse, and respiration rates.

33 (II) Interpretation of data from noninvasive patient monitors
34 including readings from continuous blood pressure and
35 information from the monitor display for electrocardiogram
36 waveform, carbon dioxide and end tidal carbon dioxide
37 concentration, respiratory cycle data, continuous noninvasive
38 blood pressure data, and pulse arterial oxygen saturation
39 measurements, for the purpose of evaluating the condition of the

1 patient during preoperative, intraoperative, and postoperative
2 treatment.

3 (ii) For purposes of this subparagraph, patient monitoring does
4 not include the following:

5 (I) Reading and transmitting information from the monitor
6 display during the intraoperative phase of surgery for
7 electrocardiogram waveform, carbon dioxide and end tidal
8 carbon dioxide concentrations, respiratory cycle data, continuous
9 noninvasive blood pressure data, or pulse arterial oxygen
10 saturation measurements, for the purpose of interpretation and
11 evaluation by a licensed dentist who shall be at chairside during
12 this procedure.

13 (II) Placing of sensors.

14 (C) Adding drugs, medications, and fluids to intravenous lines
15 using a syringe.

16 (D) Applying pit and fissure sealants.

17 (c) Successful completion of:

18 (1) Twelve months of satisfactory work experience as a dental
19 assistant in California or another state. The board shall give
20 credit toward the 12 months of work experience to persons who
21 have graduated from a dental assisting program in a
22 postsecondary institution, secondary institution, regional
23 occupational center, or regional occupation program that are not
24 approved by the board. The credit shall equal the total weeks
25 spent in classroom training and internship on a week-for-week
26 basis not to exceed 16 weeks.

27 (2) The three board-approved specialty registration courses, as
28 defined in Section 1750.2, for registration as a registered
29 orthodontic assistant, registered surgery assistant, and registered
30 restorative assistant. Any specialty license issued pursuant to
31 paragraph (2) of subdivision (a) of Section 1750.2 shall be
32 deemed to have met the requirements of this subdivision for that
33 specialty.

34 (3) A board-approved radiation safety program.